

**BARCLAY DAMON** <sup>LLP</sup>

**Anneliese R. Aliasso**  
*Associate*

July 6, 2020

**VIA ELECTRONIC FILING (CM/ECF)**

Hon. Brenda K. Sannes  
United States District Court Judge, Northern District of New York  
James M. Hanley Federal Building and Courthouse  
P.O. Box 7336  
Syracuse, New York 13261

**Re: Response to Plaintiff's Reply Memorandum of Law**

Dear Judge Sannes:

Barclay Damon LLP represents Defendants Dove-Hess Holdings, LLC (Civ. Act. No. 5:20-cv-379), Pooja Hotel, Inc. and Imperial 88 Motel, Inc. (Civ. Act. No. 5:19-cv-1588), DND Cortland, LLC (Civ. Act. No. 5:19-cv-1586), Tatyana Minter (Civ. Act. No. 3:20-cv-352), and 7 Hills Hotel, LLC (Civ. Act. No. 8:20-cv-357) (collectively, "Defendants") in the website accessibility lawsuits commenced by Plaintiff Deborah Laufer.

For the reasons that follow, Defendants respectfully request that the Court disregard the affidavit submitted by Plaintiff in response to Your Honor's Order (the "Order") requesting limited briefing on the issue of whether Plaintiff has pleaded facts in the Complaint sufficient to demonstrate that she has standing in the Northern District of New York.

As Plaintiff notes in her recently filed memorandum of law, there is no motion pending before the Court; rather, all papers were submitted in response to the Order. In Plaintiff's initial memorandum of law, and in Defendants' response to same, the parties only cited to the Complaint. However, in connection with her reply to Defendants' memorandum of law, Plaintiff included an affidavit containing additional factual allegations that were neither set forth in her Complaint nor in her initial memorandum of law.

Plaintiff's attempt to correct the deficiencies in her Complaint by way of an affidavit is beyond the scope of the Order and otherwise improper, and as such, Defendants respectfully request that Plaintiff's affidavit be disregarded. Thank you for consideration of this request.

Respectfully submitted,

*/s/ Anneliese R. Aliasso*

Anneliese R. Aliasso

cc: All Counsel of Record (via CM/ECF)